

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6192

BILL NUMBER: SB 40

NOTE PREPARED: Jan 27, 2004

BILL AMENDED: Jan 26, 2004

SUBJECT: Motor Vehicle Restraint Systems.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR:

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It requires every occupant of a motor vehicle to wear a safety belt, with certain exceptions.
- B. It removes conflicting language in the passenger restraint system law that was declared invalid by the Indiana Supreme Court.
- C. It provides that the operator of a motor vehicle commits a Class D infraction if a passenger in the motor vehicle is less than 12 years of age and is not restrained by a child passenger restraint system or safety belt.
- D. It repeals a similar provision in current law that applies only to passenger motor vehicles.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Under current law, trucks, tractors, and recreational vehicles are excluded from the requirements for safety belt use. This bill would remove these exclusions and require all passengers, not just those in the front seat, to be equipped with a safety belt. Additionally, the bill would create a Class D infraction for persons operating a motor vehicle if a child between 4 and 12 years of age is not properly fastened or restrained by a child restraint system or a safety belt.

Although the number of additional citations and fines will depend on compliance and enforcement, the number of vehicles subject to seat belt use, based on vehicle registrations, would increase by 40%. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments are collected. The maximum judgment for a Class D infraction is \$25, which is deposited in the state General Fund. If a criminal action, infraction, or ordinance violation involves a traffic violation, including this

proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Revenue from each class of infraction is not separately identified in the state accounting system. Revenues to the state from all infractions totaled \$10.6 M in FY 2003. There were 93,424 citations for seat belt violations for the 12-month period ending September 2002, and 3,053 citations for child restraint violations during the same time period. Assuming that citations for seat belt violations were to increase by 40% and that each citation resulted in a \$25 fine, the additional revenue to the state General Fund could increase by \$934,000. No data is available to indicate how many new infractions might result from the other provisions in the bill regarding all passengers being required to wear seat belts.

Federal Funding: If Indiana law does not comply with federal regulations and require drivers and occupants of trucks with seat belts to wear seat belts, then Indiana will lose \$3 M in FFY 2004 from the National Highway Transportation Safety Administration for seat belt education and enforcement. Indiana could also lose approximately \$16.5 M in FFY 2004 from the Federal Highway Administration. These funds are currently earmarked for road construction and other safety programs.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Department of Transportation; Criminal Justice Institute

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Bureau of Motor Vehicles Citations Listing Report by Offenses Entered; Bureau of Motor Vehicles Annual Registration County Count; Jerry McCorry, Director of the Council on Impaired and Dangerous Driving, 232-4220.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.